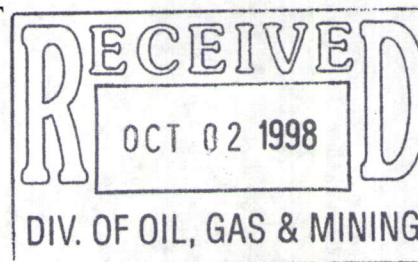




United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155



IN REPLY REFER TO:
3590
UTU-0122694
(UT-930)

SEP 30 1998

CERTIFIED MAIL--Return Receipt Requested

Mr. Norman Haslam
Ziegler Chemical and Mineral
Star Route
Vernal, Utah 84078

Hayne

Re: Mine Plan Modification Approval, Federal Gilsonite Lease **UTU-0122694**

Cowboy Gilsonite Vein

Dear Mr. Haslam:

MINE PLAN MODIFICATION APPROVAL

Background- The Bureau of Land Management (BLM) Utah State Office, received your mine plan modification on September 15, 1997. The NEPA requirements were fulfilled by the Vernal Field Office on July 9, 1998.

Approval- The modification to the mining plan is approved to construct/realign the road on the lease in accordance with maps 1 and 2 (enclosed). The following notices and conditions of approval will apply.

Conditions of Approval-

1. **As-Built maps:** The lessee will submit to the BLM, Deputy State Director, Division of Natural Resources, at the above address, a scaled map showing the construction and the survey coordinates (State Plane or metres and bounds description) of each of the mine features, buildings, and vein, within 90 days after construction is complete. The surveyor that conducts the survey will be licenced and shall stamp the drawing. Land features will be shown on the drawing. These will include, but are not limited to, section corners, roads, and section lines.

2. **Dust Control and Water Depletion Review:** The lessee/operator will submit to the BLM the expected volumes, sources of water, and the time frames if water will be used for dust control. This information will be required for a water depletion review which will be accomplished by the Vernal Field Office (VFO) **prior** to using any water for dust control. No water will be used until the review is complete and signed by the VFO manager.

3. Palaeontological Monitoring: Palaeontological monitoring shall be conducted after blasting takes place and prior to removal of material to make the road cut. The Palaeontological monitoring shall be conducted by the VFO Archaeologist (Blaine Phillips, 435-781-4438). As a minimum, a 2 week notification and scheduling is necessary prior to obtaining his services. If he is unavailable, the lessee or operator will contract, at their own expense, with a palaeontologist approved by the BLM to conduct the monitoring. Enclosure 1 lists individuals and institutions with significant background in vertebrate palaeontology and that is pre-approved by BLM to accomplish this work.

The survey will be conducted after portions or all of the blasting has been completed and prior to removing of any material for the road cut. The lessee shall schedule time for analysis by the VFO archaeologist or a contracted palaeontologist, of this resource and should not schedule any construction activities in the immediate vicinity of the areas that have been blasted during the analysis. Construction activities may commence once the palaeontological monitoring has been completed. If a significant find is discovered, the VFO archaeologist shall be notified immediately. The lessee shall be responsible for securing the find on the site. If the find is small enough to be removed from the site by BLM, the lessee shall be responsible for loading it into a vehicle or moving it away from the construction area per instructions by the person conducting the survey in order to protect the value of the find.

If a large or significant find is observed in the bed rock that cannot be successfully moved or removed, the VFO archaeologist will be notified and work will cease until the AO grants the authority to continue work on the site.

Traffic: If traffic along the roadway is to be blocked due to construction, the lessee or operator shall place "road closed due to construction" signs (close to where the road intersects with other traveled, unimproved roadways) so as to advise the public of the temporary road closure. The signs shall be at least 3' by 3' in size and include reflective markings and lettering. These should be placed at the intersection of the said road and the state highway in T. 9 S. R. 24 E., Sec. 35, and at the intersection of the two unimproved roads in T. 9 S. R. 24 E., Sec. 34. In addition, a barricade will be placed approximately 500 feet from the construction site on all roads to impede traffic to the site.

5. Construction Commencement: The lessee or operator will notify the VFO geologist (Peter Sokolosky) or the VFO Minerals Group Leader (Howard Cleavinger) at least 3 working days in advance of the commencement of construction work. The VFO will need to know the estimated dates when the roadway will be closed due to construction. The VFO will be contacted no later than 5 working days after the completion of all work under the approved modification.

Notice(s)-

1. Explosives: The lessee or operator shall comply with all other applicable State and Federal laws and regulations regarding the transportation and use of explosives connected with the road construction.

2. Other Approvals: No other work is authorized under this approval. Work on any other roads off-lease will have to be specifically approved as a modification to the mining plan.

Bond- BLM has a sufficient bond in the amount of \$132,000 with Ziegler Chemical and Mineral Company. No other bond is anticipated at this time. BLM may adjust the bond amount at any time.

Appeal Rights- You have 30 days to appeal this approval to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR Part 4 and Form 1842-1 (See Enclosure 2). If an appeal is taken, your notice of appeal must be filed in this office within 30 days following the date of this approval. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and the petition for a stay must also be submitted to the Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

For further information, contact Mr. Stan Perkes, (801) 539-4036.

Sincerely,

THOMAS F. SLATER
ACTING

Douglas M. Koza
Deputy State Director
Natural Resources

2 Enclosures
Maps

bcc: Manager, Vernal Field Office, Manager
Utah Division of Oil, Gas, and Mining (Attn. Tony Gallegos)
Mr. Bud Covington (P.O. Box 1845, Vernal, Utah 84078)
Files - UTU-0122694
Chron
UT-931, SPerkes

SPerkes:jt:09/30/98
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